

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed April 21, 2006. Claims 13, 17-22, and 27-31 are rejected. In this Amendment, no claims have been amended.

### **35 U.S.C. § 103 (s)**

The Examiner rejected claims 13, 17-22, and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over Akbar et al (U.S. Pat. No. 4,957,875 "Akbar") and in view of Harame, et al., (U.S. Pat No. 5,024,957, "Harame"). Applicant respectfully disagrees.

With respect to claim 13, Applicant respectfully disagrees with the Examiner that Akbar disclosed "an emitter cut provided at the bottom of said emitter stack and immediately on top of an intrinsic base structure formed in the epitaxial layer of the substrate."

In Akbar, the whole emitter section contacts the base section 14 and 22. In other words, the entire width of the emitter section is formed on the base area. As such, Akbar did not disclose an emitter cut as recited in the claim.

Contrary to Akbar, Applicant's disclosure includes a construction of an emitter cut from an emitter stack such that not all bottom section of the emitter stack is in contact with the base as can be seen from Figures 2-5 of the Application Drawings. Applicant's claimed invention as recited in claim 13, for example, claims an emitter cut provided at the bottom of said emitter stack and immediately on top of an intrinsic base structure formed in epitaxial base layer of the substrate.

Thus, Akbar did not disclose an emitter cut provided at the bottom of the emitter

stack an don top of an intrinsic base. Akbar also did not disclose an intrinsic base structure formed in the epitaxial layer of the substate and Harame only disclosed an intrinsic base portion but with no suggestion or teacyhing of an emitter cut provided at the bottom of said emitter stack and immediately on top of an intrinsic base structure formed in epitaxial base layer of the substrate.

Therefore, Applicant respectfully submit that combining Akbar and Harame did not cure the lack of an emitter cut provided at the bottom of said emitter stack and immediately on top of an intrinsic base structure formed in epitaxial base layer of the substrate as recited in claim 13.

Claim 13 is thus not made obvious by the combination of Akbar and Harame. Claims 17-22 and 27-31 depend indirectly or directly from claim 13 and are thus similarly not made obvious by the combination of Akbar and Harame.

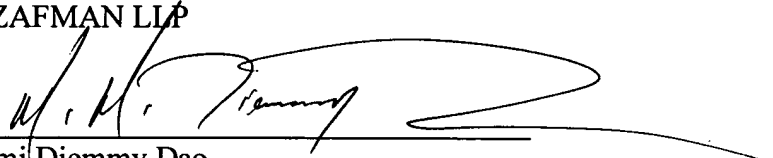
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Michael Bernadicou at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP



Mimi Diemmy Dao  
Attorney for Applicant  
Registration No. 45,628

Dated: June 27, 2006

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300